

6985. Misbranding of macaroni. U. S. * * * v. Savarese Macaroni Co., a corporation. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 9505. I. S. No. 1689-p.)

On February 27, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Savarese Macaroni Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about December 6, 1917, from the State of Maryland into the State of New York, of a quantity of an article, labeled in part "Savoy Brand Macaroni, Contents 10 ozs.," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the average net weight of 24 packages to be 8.83 ounces, and the average net shortage 11.7 per cent.

Misbranding of the article was alleged in the information for the reason that the label bore a statement regarding the article and the ingredients and substances contained therein, to wit, "Contents 10 ozs.," which said statement was false and misleading in that the packages did not contain 10 ounces of macaroni, but contained a less amount thereof, and for the further reason that it was labeled and branded as aforesaid so as to deceive and mislead the purchaser into the belief that said packages contained 10 ounces of macaroni, whereas, in truth and in fact, they did not contain 10 ounces of macaroni, but contained a less amount thereof. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of food contained in said packages was less than 10 ounces, and said quantity of food so contained therein was not plainly and conspicuously marked on the outside of the packages in terms of weight, measure, or numerical count.

On February 27, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$75 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

6986. Misbranding of Dr. Groves' Anodyne for Infants. U. S. * * * v. Smith, Kline & French Co., a corporation. Plea of guilty. Fine, \$200. (F. & D. No. 9511. I. S. No. 3431-m.)

On March 29, 1919, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Smith, Kline & French Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 29, 1917, from the State of Pennsylvania into the State of New York, of a quantity of an article, labeled in part "Dr. Groves' Anodyne for Infants," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to consist essentially of a sugar sirup flavored with oil of spearmint, and to contain $\frac{1}{2}$ grain of morphine sulphate per fluid ounce.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements borne on the labels of the cartons and bottles falsely and fraudulently represented it to be effective, among other things, to remove nervous irritation in children, to invigorate children before teething, and to repair the waste caused by diarrhea and other affections in children during teething, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that the statements borne